



2P1

B

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : HARPER, et al.
FOR : RANDOM SAMPLING AS A BUILT-IN
SERIAL NO. : FUNCTION FOR DATABASE
EXAMINER : ADMINISTRATION AND REPLICATION
ART UNIT : 09/897,803
CONFIRMATION NO. : Chongshan Chen
LAST OFFICE ACTION : 2162
ATTORNEY DOCKET NO. : 2493
ATTORNEY DOCKET NO. : October 6, 2004
ATTORNEY DOCKET NO. : STL9200001004US1
ATTORNEY DOCKET NO. : Cleveland, OH 44114

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

MAIL STOP Issue Fee
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants gratefully acknowledge the indication as to the allowance of the present application.

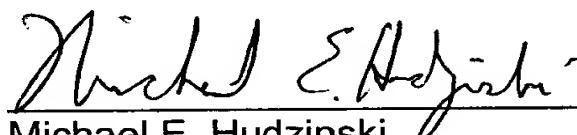
However, applicants respectfully submit the Statements of Reasons for Allowance are, in and of themselves, inappropriate. It is noted that the reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims." (37 CFR §1.104(e)(2001)). In the present case, applicants believe the record as a whole does make the reasons for allowance clear and, therefore, no statement by the Examiner is necessary or warranted. Furthermore, the applicants do not necessarily agree with each statement in the reasons for allowance.

Specifically, it has been indicated that the claims are allowed by importing interpretations into the claims in relation to the prior art that results in a potential imprecise and/or inaccurate understanding of the reasons. This places an unwarranted interpretation upon the claims. Such a characterization of the claims does not properly take into account applicant's claimed invention as reflected in the specification and the applicants' responses to the Examiner's Office Actions.

Therefore, while applicants believe the claims are allowable, applicants do not acquiesce that patentability resides in only the features, exactly as expressed in the claims, nor that each feature is required for patentability.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH, & McKEE, LLP



Michael E. Hudzinski
Reg. No. 34,185
1100 Superior Avenue
Seventh Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

FILENAME \p N:\IBMZ\200002\bj\b0003245\001.doc

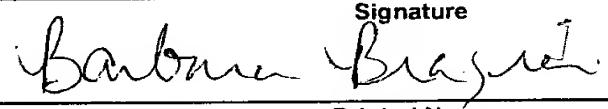
CERTIFICATE OF MAILING

I certify that this Comments on Statement of Reasons for Allowance is being

deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date
May 9, 2005

Signature	
	
Printed Name	
Barbara Brazier	